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In re Application of: Howard B. Rosen )  
Application No. 10/060,768 )  
Filed: January 30, 2002 )  
For: PROGRAMMABLE THERMOSTAT )  
SYSTEM EMPLOYING A TOUCH )  
SCREEN UNIT FOR INTUITIVE )  
INTERACTIVE INTERFACE WITH )  
A USER )

DECISION ON PETITION TO  
MAKE SPECIAL UNDER  
M.P.E.P. §708.02(II):  
INFRINGEMENT

- This is a decision on the petition, filed May 21, 2004, requesting to make the above-identified application special under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement.

A grantable petition under 37 C.F.R. §1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. §1.117(h) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims.

Applicants' submission meets all the criteria set out above, accordingly, the Petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for expedited examination.

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